

REMARKS

Reconsideration of the above-identified application in view of the foregoing amendments and the following remarks is respectfully requested.

A. Status of Claims and Explanation of Amendments

Claims 1-14 are pending. Claims 2, 5, 10, 13 and 14 are amended. Claims 15-17 are new.

Claims 2 and 14 are amended to change the word “centre” to “center”. Claim 10 is amended to delete the hyphen preceding the word “containers”. These amendments are not made for any substantive reason related to patentability (§§ 102, 103).

Claims 15 and 16 are new. Claim 15 recites, “A method according to Claim 1, wherein the studded plate has a center distance between the studs in the range of 45-58 mm, the height of the studs is in the range of 20-26 mm, and the distance between the base of the stud side walls is in the range of 5-12 mm.” Claim 16 recites, “The use according to claim 13, where the studded plate has a centre distance between the studs in the range of 45-58 mm; the height of the studs is in the range of 20-26 mm, and the distance between the base of the stud side walls is in the range of 5-12 mm; and even more preferably where the studded plate is a PLATON DE25.” Support for these new claims is found throughout the application as originally filed, including, for example, on page 14 and original claim 2..

Claim 17 is new. Claim 17 recites, “A method of denticulation of cast joints between large concrete components including in boxed walls on a free balanced cantilever, wherein a studded plate is used as a formwork.” Support for this new claim is found throughout the specification as originally filed, including, for example, on page 5 and original claim 13.

Additional amendments to the claims are explained in more detail below. No new matter is added by these amendments, and their entry is respectfully requested.

B. Specification

The Office Action objected to the incorrect citation to NO 301243 in ¶ 0015. The specification is amended to correct the citation to the reference cited in ¶ 0015 from "NO 307243" to "NO 301243".

The specification is also amended in ¶¶ 0030, 0036-36, 0055 and 0058 to capitalize all appearances of the trademark "PLATON DE25" and to add to ¶ 0030 the following generic description: "PLATON DE25, where PLATON is a group of studded plates produced by Isola, and DE25 is a draining element where the studs are approximately 25 mm high."

In light of the foregoing amendments to the specification, the Office Action's objections to the specification are respectfully requested to be withdrawn.

C. Objections to the Claims

Claim 10 was objected to because the term "containers" is preceded by a hyphen. Applicant respectfully asserts that claim 10 in the application as originally filed did not include a hyphen preceding the word "containers". In light of the Published Application, (U.S. Patent Application Publication No. 2006/0082024), which includes a hyphen preceding the word "containers" in claim 10, Applicant has amended claim 10 to delete the hyphen preceding the word "containers." This amendment is not made for any substantive reason related to patentability (§§ 102, 103). Accordingly, Applicants respectfully request that the objection to claim 10 should now be withdrawn.

D. Rejection Under 35 U.S.C. § 112

Claims 2, 13 and 14 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Applicants respectfully traverse the rejection. In an effort to expedite prosecution, by this paper, claims 2 and 14 are amended to delete the three narrower ranges in these claims that fall within the three claimed broader ranges. In addition, claim 13 is amended to delete the phrase “in boxed walls on a free balanced cantilever” to the extent that it constitutes a “narrower statement of the range/limitation” set forth in claim 13. (Office Action, p. 4).

Claims 13 and 14 were also rejected under § 112, second paragraph, because they allegedly claimed recitation of a use, without setting forth any steps involved in the process. Accordingly, claims 13 and 14 are amended to recite a method rather than a use.

In light of the foregoing amendments, Applicants respectfully request that the rejection of claims 2, 13 and 14 under § 112 should be withdrawn.

E. Rejection Under 35 U.S.C. § 102

Claims 1, 4-8 and 10-13 were rejected under 35 U.S.C. § 102(b) as being anticipated by “System PLATON: Denticulation of concrete casting joints in balanced cantilever constructions,” published June 6, 2000, (hereinafter “System PLATON”). Applicants respectfully traverse this rejection. The requirements of the rejection are not met because System PLATON does not constitute prior art under 35 U.S.C. § 102.

The Office Action asserts that System PLATON is dated June 6, 2000. This is incorrect. System PLATON is in fact dated June 2006. On page 7 of System PLATON, in the upper-right hand corner, it reads “06 – 06 2000”. The “06 – 06” means the reference was

published in June 2006, and the “2000” means that 2000 copies of the reference were published. As further evidence that System PLATON was published in 2006, rather than in 2000, six references are cited on page 7 under the title “Some References”. Each of these references are dated *after* 2000. Indeed, they are dated 2002-2003, 2002-2003, 2004-2005, 2004-2007 and 2005-2006. Therefore, System PLATON could not have been published in the year 2000 while simultaneously only citing references that are from subsequent years.

Accordingly, the correct reference date for System PLATON is June 2006. The filing date for this application is August 11, 2005. System PLATON’s reference date thus does not precede this application’s filing date. Therefore, System PLATON does not constitute prior art under § 102.

Accordingly, Applicants respectfully request that the rejection of claims 1, 4-8 and 10-13 as being anticipated by System PLATON should be withdrawn, and that claims 1, 4-8 and 10-13 are novel and in condition for allowance.

F. Rejection Under 35 U.S.C. § 103

Claims 2 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable in view of System PLATON. Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over System PLATON in view of U.S. Patent No. 5,044,821 to Johnson. Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over System PLATON in view of U.S. Patent Application Publication No. 2002/00095666 by Schertzberg et al. Applicants respectfully traverse these rejections. As discussed above with respect to the rejection under 35 U.S.C. § 102(b), “System PLATON” is not prior art. Accordingly, it cannot be the basis of an obviousness rejection under 35 U.S.C. § 103(a) alone, or in combination with a secondary reference. Therefore, for the reasons discussed above with respect to the rejection under § 102,

Applicants respectfully submit that claims 2, 3, 9 and 14 are unobvious and in condition for allowance.

To the extent that Applicants have chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above, these statements should not be regarded in any way as admissions that the cited documents are, in fact, prior art. Applicants have not specifically addressed the rejections of the dependent claims because Applicants submit that the independent claims from which they respectively depend, either directly or indirectly, are in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicants, however, reserve the right to address such rejections of the dependent claims should such be necessary.

CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 504827, Order No. 4747-4000. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Applicants have enclosed a petition for a one (1) month extension of time. In the event that a further extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No 504827, Order No. 4747-4000. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
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